

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CANAL INDEMNITY COMPANY,

Plaintiff,

vs.

**WLS, INC. d/b/a S & H MOBILE
HOMES, CIS FINANCIAL SERVICES,
INC., f/k/a CAVALIER ACCEPTANCE
CORPORATION; GREEN TREE-AL,
LLC; GREEN TREE SERVICING, LLC;
RUTH BARRON; JOHN D. BARRON**

Defendants.

CIVIL ACTION NO. 2:05cv778-T

**JOINT MOTION TO EXTEND DEADLINE FOR PARTIES TO MEET AND
SUBMIT A RULE 26(F) REPORT TO THE COURT**

COMES NOW the Plaintiff, Canal Indemnity Company (“Canal”), and Defendants, WLS, INC. d/b/a S & H Mobile Homes (S&H), Green Tree-AL, LLC and Green Tree Servicing, LLC (“the Green Tree Defendants”), and respectfully request this Honorable Court to extend the deadline for the parties to meet and submit a Rule 26(f) Report to the Court and as grounds therefor, state as follow:

1. Pursuant to the Court’s Order of September 15, 2005, the deadline for the parties to meet and submit a Rule 26(f) Report in this matter is October 24, 2005.
2. Upon information and belief, three of the defendants in this matter – Ruth Barron, John Barron, and CIS Financial Services, Inc. f/k/a Cavalier Acceptance Corp. – have not yet been served with the Complaint or the Amended Complaint and have not filed responsive pleadings.

Canal Indemnity Company v. WLS, Inc. Et al.

Civil Action No.: CV-2005-31-F

MOTION TO EXTEND DEADLINE FOR PARTIES TO MEET

Accordingly, a Rule 26 meeting would only be attended by Counsel Canal, S&H and the Green Tree Defendants.

3. The parties to this motion believe that extending the deadline for the parties to meet and submit a Rule 26(f) Report until after all parties to this lawsuit have been served would be efficient because this would allow all of the parties the opportunity to participate in the meeting, and agree to provisions contained in the Rule 26(f) Report before submission to the Court. Granting this motion would decrease the potential for motions to modify the Court's Scheduling Order.

4. The parties to this motion reasonably believe that no prejudice will result from extending the deadline set forth above. In addition, the instant motion is being filed *prior to* the expiration of the above-deadline. See also Payne v. Ryder Sys., Inc., 173 F.R.D. 537, 540 (M.D. Fla.1997) (observing that the Eleventh Circuit has consistently held that absent a showing of good cause, "motions filed after a deadline imposed by a court should be denied as untimely").

5. Counsel for Canal has conferred with Counsel for S&H and the Green Tree Defendants regarding the instant motion, and has provided a copy of this motion to each of them prior to filing it with the Court. This will certify that Counsel for each of these parties has agreed to the filing of this motion, and each of them has given their express consent to their electronic signatures appearing on this Document.

Respectfully submitted,

s/ Joseph E. B. Stewart

William A. Austill (ABS-1217-A62W)

Joseph E. B. Stewart (ASB-6903-S61J)

OF COUNSEL:

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Canal Indemnity Company v. WLS, Inc. Et al.

Civil Action No.: CV-2005-31-F

MOTION TO EXTEND DEADLINE FOR PARTIES TO MEET

s/ Jack J. Hall, Jr.

Jack J. Hall, Jr. (ASB-0151-L74J)

OF COUNSEL:

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s/ R. Austin Huffaker, Jr.

R. Austin Huffaker, Jr. (ASB-3422-F55R)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail, postage prepaid and properly addressed, on this 20th day of October, 2005 to:

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s/ Joseph E. B. Stewart
OF COUNSEL